

COMPLAINT and GRIEVANCE PROCEDURE

Prohibition against Discrimination and Harassment/Title IX Sex Discrimination (including Sex-Based Harassment)

It is the policy of the District to maintain an environment for learning and working that is free from discrimination and harassment as defined herein and as defined with more specificity in Board Policy 103 and Board Policy 104, and associated Attachments (including Grievance Procedures) to those Policies.

Students are specifically notified that the District does not discriminate on the basis of sex, and prohibits sex discrimination, including sex-based harassment, in any education program or activity that it operates, as required by Title IX of the Education Amendments of 1972, 20 U.S.C. §§1681 *et seq.*, and its regulations, 34 C.F.R. Part 106, including in admission and employment.

Inquiries about Title IX may be referred to the District's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights ("OCR"), or both.

The District's Title IX Coordinator is: Brenda A. Marino, Assistant to the Executive Director

The U.S. Department of Education's Office for Civil Rights may be contacted at:
OCR@ed.gov

<https://ocrcas.ed.gov/contact-ocr>

To report information about conduct that may constitute Title IX sex discrimination, including sex-based harassment, or make a complaint of Title IX sex discrimination, please refer to the District's Nondiscrimination Policies and Grievance Procedures, which can be located on the District's website under Board Policies, Policy 103 (Students) and Policy 104 (Employees): [MIU IV Board Policies](#) or contact the District's Title IX Coordinator.

In the event of a conflict between this section and Board Policies 103 and 104, and associated Attachments, the language of Board Policies 103 and 104 and associated Attachments shall prevail.

Definitions

"Discrimination" shall mean to treat individuals differently, or to harass or victimize based on a protected classification including race, color, age, religious creed, religion, sex, sexual orientation, gender identity, ancestry, national origin, marital status, pregnancy and/or handicap/disability.

“*Harassment*” is a form of discrimination based on the protected classifications listed above consisting of unwelcome conduct such as graphic, written, electronic, verbal or nonverbal acts including offensive jokes, slurs, epithets and name-calling, ridicule or mockery, insults or put-downs, offensive objects or pictures, physical assaults or threats, intimidation or other conduct that may be harmful or humiliating or interfere with a person’s school or school-related performance when such conduct is:

1. sufficiently severe, persistent or pervasive; and
2. A reasonable person in the complainant’s position would find that it creates an intimidating, threatening or abusive educational environment such that it deprives or adversely interferes with or limits an individual or group of the ability to participate in or benefit from the service, activities or opportunities offered by the District or a school.

It shall be a violation of this policy to harass a student or District employee. Bullying can be a form of harassment. A student’s sending, sharing, viewing, selling, purchasing or otherwise disseminating of obscene, pornographic, lewd, sexually explicit or nude images, photographs or video content of another student may be considered harassment.

“*Title IX Sex Discrimination*” – includes discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation and gender identity.

“*Title IX Sex-Based Harassment*” - Title IX sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including:

1. *Quid pro quo harassment* - a district employee or other person authorized to provide a district aid, benefit or service explicitly or impliedly conditioning the provision of a district aid, benefit, or service on an individual’s participation in unwelcome sexual conduct.
2. *Hostile environment harassment* - unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from a district education program or activity. Determination of whether a hostile environment has been created is a fact-specific inquiry that includes consideration of factors, including but not limited to:
 - a. The degree to which the conduct affected the complainant’s ability to access the district’s education program or activity;
 - b. The type, frequency and duration of the conduct;
 - c. The complainant’s and respondent’s ages, roles in the district education program or activity, previous interactions and other relevant factors;
 - d. The location and context in which the conduct occurred; and
 - e. Other sex-based harassment in the district’s education program or activity.

3. *Sexual assault, dating violence, domestic violence or stalking.*
 - a. *Dating violence* means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship is determined by the following factors:
 - i. Length of relationship.
 - ii. Type of relationship.
 - iii. Frequency of interaction between the persons involved in the relationship.
 - b. *Domestic violence* includes felony or misdemeanor crimes 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 federal funding, 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.
 - c. *Sexual assault* means a sexual offense under state or federal law that is classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
 - d. *Stalking*, under Title IX means stalking on the basis of sex, for example when the stalker desires to date a victim. Stalking means to engage in a course of conduct directed at a specific person that would cause a reasonable person to either:
 - i. Fear for their safety or the safety of others.
 - ii. Suffer substantial emotional distress.

Such conduct must have taken place during a district education program or activity and against a person in the United States to qualify as sex-based discrimination or harassment under Title IX. This includes conduct that is subject to the District's disciplinary authority. An education program or activity includes, but is not limited to, academic, extracurricular, research, occupational training and other education programs and activities of the district. The District is obligated to address a sex-based hostile environment in a district education program or activity, even when some conduct is outside the district's program or activity, or outside of the United States

Violations of this Discrimination/Harassment Policy, as set forth more fully in Board Policy 103 and associated Attachments, including acts of retaliation as described in the Policy, may result in disciplinary consequences under applicable Board policy and procedures up to and including referral for expulsion from the District.

Reports of Title IX Sexual Harassment and Other Discrimination and Retaliation and Grievance Procedure:

The Board encourages students and third parties who believe they or others have been subject to Title IX sex discrimination, including sex-based sex harassment, and any other discrimination or harassment as defined in this Policy and Board Policies 103 and 104, to promptly report such incidents to any District employee (but preferably the building principal) or the Title IX Coordinator. A person who is not an intended victim or target of discrimination but is adversely affected by the offensive conduct may file a report of discrimination.

The student's parents/guardian or any other person with knowledge of conduct that may violate this Policy is encouraged to immediately report the matter to any District employee (but preferably the building principal) or the Title IX Coordinator.

The complainant (the alleged victim) or the individual making the report may use the Discrimination/ Harassment/Bullying/Hazing/Dating Violence/Retaliation Report Form (an Attachment to Policies 103/104) which has been developed for purposes of reporting an incident or incidents in writing; however, verbal reports of an incident or incidents shall be accepted, documented and the procedures of this Policy and the relevant attachments followed. A copy of this Report Form can be accessed on the District's website [at MIU.IV.org](http://MIU.IV.org) and through the building principal or the Title IX Coordinator. The rights of complainants and respondents (the accused) are outlined in detail in Policies 103/104 and associated Attachments, which outline the District's applicable Grievance Procedures.